

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

NANCY FRANCIS ) CIVIL ACTION NO.  
VERSUS ) JUDGE:  
BROOKSHIRE GROCERY ) MAGISTRATE :  
COMPANY, )  
d/b/a SUPER 1 FOODS )  
===== )

**COMPLAINT**

NOW INTO COURT, through undersigned counsel, comes NANCY FRANCIS, a person of the full age of majority, and a resident of Iberia Parish, State of Louisiana, who for her Complaint against the above-named defendant does respectfully represent as follows:

1.

This Court has original jurisdiction of this action under 28 U.S.C. § 1332 as “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between – (1) citizens of different States.”

2.

Defendant BROOKSHIRE GROCERY COMPANY, a non-Louisiana business entity authorized to do and doing business in Louisiana, was on all dates pertinent herein the owner/operator of a business, namely a Super 1 Foods & Discount Pharmacy located at 939 South Lewis Street, in New Iberia, Louisiana.

3.

On or about October 6, 2015, plaintiff NANCY FRANCIS was on the premises of the SUPER 1 FOODS store at 939 So. Lewis Street, New Iberia, Louisiana, as a business invitee when she slipped and fell on a wet, slippery floor.

4.

The sole and proximate cause of the above-described accident is the negligence of BROOKSHIRE GROCERY COMPANY, d/b/a SUPER 1 FOODS in creating a dangerous condition, in failing to inspect the premises and discover a dangerous condition in a timely manner, in failing to warn of the dangerous condition, in failing to properly mark the wet and slippery floor with safety cones, in failing to provide safe premises free from vice and defect, and in maintaining on its premises an inherently dangerous and defective condition, of which defendant had actual or constructive notice, and such other acts of negligence as may be shown at the trial of this matter. Additionally, petitioner alleges strict liability and the applicability of LSA-CCs 2317, 2317.1, 2320, and 2322.

5.

As a result of the above described accident, plaintiff NANCY FRANCIS sustained severe injuries including but not limited to painful injuries to her lumbar spine, right shoulder, right arm, and other component parts of her body.

6.

As a result of the above described accident, plaintiff sustained loss and damage including but not limited to past, present and future medical expenses, past, present, and

future pain and suffering, loss of enjoyment of life, lost earnings and diminished earning potential.

WHEREFORE, plaintiff prays that defendant be cited and served with a copy of this Complaint and after legal delays and due proceedings had there be judgment herein against BROOKSHIRE GROCERY COMPANY, d/b/a SUPER 1 FOODS and in favor of plaintiff NANCY FRANCIS in a reasonable compensatory sum plus legal interest and all costs of these proceedings and for all general and equitable relief to which plaintiff may be entitled.

Respectfully submitted  
SCHEUERMANN AND JONES

*/s/ Stephen F. Armbruster*

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